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Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961 (New York, 8 August 1975)

Proposal of amendments by the Plurinational State of Bolivia to article 49, paragraphs 1 (c) and 2 (e)

Note by the Secretary-General

In its decision 2009/250 of 30 July 2009, the Economic and Social Council, taking note of the note by the Secretary-General (E/2009/78) on the proposal of the Government of the Plurinational State of Bolivia to amend article 49, paragraphs 1 (c) and 2 (e), of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[1] decided, in accordance with article 47, paragraph 1, of the Convention as amended, to initiate the procedures established in paragraph 1 (b) of that article, which states that the parties shall be asked whether they accept the proposed amendment and also asked to submit to the Economic and Social Council any comments on the proposal.

The Secretary-General, acting in his capacity as depositary, communicated to the parties to the Convention the text of Council decision 2009/250 in a Depositary Notification[2] dated 30 July 2009.

The Secretary-General is hereby communicating to the Council a note verbale dated 28 January 2011 from the Permanent Mission of France to the United Nations (see annex).

[1] United Nations, *Treaty Series*, vol. 976, No. 14152.
[2] C.N.474.2009.TREATIES-3.

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Annex

Note verbale dated 28 January 2011 from the Permanent Mission of France to the United Nations addressed to the Secretary-General

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General and has the honour to refer to note CN.194.2009.TREATIES-2 (Depositary Notification), dated 6 April 2009, by which the Secretary-General communicated the proposal of the Government of Bolivia to repeal article 49, paragraphs 1 (c) and 2 (e), of the United Nations Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol. It further wishes to refer to note CN.474.2009.TREATIES-3 (Depositary Notification), dated 30 July 2009, by which the Secretary-General informed the parties of the decision taken by the Economic and Social Council to initiate the procedures established in article 47, paragraph 1 (b), of the Single Convention.

The proposed amendment concerns the "ancestral custom" of coca leaf chewing, a practice that Bolivia asserts is among the rights of indigenous peoples established, in particular, by the United Nations Declaration on the Rights of Indigenous Peoples, to which France is deeply committed.

Inasmuch as coca leaf chewing is not only an ancient custom of the Bolivian people but also of the Andean peoples, France is aware that the issue is of particular importance to Bolivia, a country where coca leaf chewing is considered a component of cultural identity.

France is therefore open to dialogue aimed at arriving at a solution that would better accommodate the tradition of coca leaf chewing while maintaining the integrity of the Single Convention of 1961.

Since the proposed amendment concerns a controlled narcotic substance (which is listed in Schedule I of the Single Convention), it has the potential to weaken the framework and general obligations set out in article 4, to which all States parties to the Single Convention are committed, in order to combat the trade in and use of narcotics. It is also desirable to avoid setting a precedent that would undermine the international legal framework for combating narcotic drugs.

Therefore, in accordance with the above-mentioned provisions of article 47, paragraph 1 (b), of the Single Convention, the Permanent Mission of France to the United Nations would like to inform the Organization that, in view of the obligations imposed on the States parties to the Convention, the Government of France does not accept the amendment proposed by Bolivia.